



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Paper No. 8

CHRISTIE, PARKER & HALE, LLP
350 WEST COLORADO BOULEVARD
POST OFFICE BOX 7068
PASADENA, CA 91109-7068

COPY MAILED

JUN 25 2002

OFFICE OF PETITIONS

In re Application of	:	
Samueli, et al.	:	DECISION GRANTING
Application No. 09/819,049	:	PETITION
Received: January 20, 1998	:	
Title: SYSTEM FOR, AND METHOD OF,	:	
PROCESSING QUADRATURE AMPLITUDE	:	
MODULATED SIGNALS	:	

This is a decision on the renewed petition filed March 21, 2002, requesting that a continued prosecution application (CPA) under 37 CFR 1.53(d) based on prior application No. 08/285,504 be treated as an application filed under 37 CFR 1.53(b) and be accorded a filing date of January 20, 1998.

The initial petition was dismissed in a decision mailed January 28, 2002 on the basis that the petition did not include a copy of the prior complete application as originally filed, including the specification, drawings and signed oath/declaration¹. It was further requested that petitioner supply on reconsideration a copy of the preliminary amendment filed on January 20, 1998, and the power of attorney filed on June 5, 2000.

On request for reconsideration, petitioner has submitted a copy of the prior complete application as originally filed, including 57 pages of specification, 5 sheets of drawings (Figs. 1, 2A, 2B, 4-9) and the executed declaration. In addition, petitioner submitted a copy of the preliminary amendment filed January 20, 1998.

In view thereof, the petition is **GRANTED**.

¹ A petition to accept and treat an improper application filed under 37 CFR 1.53(d) as a proper application under 37 CFR 1.53(b) must include: (1) the \$130.00 petition fee; and (2) a copy of the complete nonprovisional application, as filed, designated as the prior nonprovisional application in the application papers filed under 37 CFR 1.53(d).

Receipt of the associate power of attorney is acknowledged. However, as "D. Bruce Prout" is not of record in this application, the associate power of attorney cannot now be accepted. It is noted that the copy of power of attorney filed on June 5, 2000, was not included on petition. Accordingly, the file may be missing the appointment of attorney documents appointing "D. Bruce Prout" as principal attorney and thus, authorizing his appointment of "Richard J. Paciulan" as associate attorney. To associate attorney Paciulan, a request by an attorney or agent of record, all of the inventors, or an assignee(s) of the entire right, title and interest who has established the right to take action in this application is required.

As the check filed June 5, 2000 is not of record in this application (or application No. 08/285,504), the petition fee is being satisfied by being charged to Deposit Account No. 03-1728, as authorized.

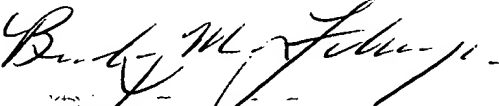
Now that this petition is being granted, if appropriate², USPTO records will be corrected to show that the \$652.00 filing fee paid on January 20, 1998, in application No. 08/285,504, was actually paid in application No. 09/819,049.

This application is being forwarded to the Office of Initial Patent Examination (OIPE):

- with a filing date of January 20, 1998, using the copies of the originally filed application papers received on petition filed March 21, 2002.

Applicants will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OIPE.

Telephone inquiries related to this decision should be directed to Petitions Attorney Nancy Johnson at (703) 305-0309.


Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

² A further financial review of application No. 08/285,504 is necessary in order to determine if those fees were used to satisfy any fees due in application No. '504, and thus, are not available to be applied to this application.